

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: William E. Anderson

Debtor(s)

Wilmington Savings Fund Society dba Christiana Trust,
not individually, but solely as Trustee for NYMT Loan
Trust I

Movant

v.

William E. Anderson

Respondent

and

Ronda J. Winnecour, Trustee

Additional Respondent

BK. NO. 19-22899 GLT

CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

/s/ James C. Warmbrodt, Esquire

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Date: April 29, 2020

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MOTION OF WILMINGTON SAVINGS FUND SOCIETY DBA CHRISTIANA TRUST, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE FOR NYMT LOAN TRUST I FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is Wilmington Savings Fund Society dba Christiana Trust, not individually, but solely as Trustee for NYMT Loan Trust I.

2. Debtor(s), William E. Anderson, is the owner(s) of the premises located at 208 Monath Street, West Newton, PA 15089, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$67,500.00 on the mortgaged premises that was executed on June 3, 2005. Said mortgage was recorded on June 29, 2005 in Instrument Number 200506290032802. The mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 20, 2020 in Instrument Number 202002200005405 in Westmoreland County.

4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.

5. As of April 16, 2020, the payoff amount due on the mortgage is \$90,833.79.

6. Debtor(s) is currently delinquent in payments to the Chapter 13 Trustee in the amount of \$9,530.00.

7. According to the Trustee's records, Movant is due post-petition payments in the amount of \$5,509.63 through April 2020.

8. According to Movant's records, the total amount of post-petition arrearage is \$6,428.30. The debtor is due for August 2019 through February 2020 in the amount of \$714.28 each, and for March 2020 through April 2020 in the amount of \$714.17 each.

9. The total amount of pre-petition arrearage is \$29,080.06.

10. The fair market value of the premises is \$50,000.00, per the Debtor's Schedules.

11. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.

12. Debtor(s) has/have no or inconsequential equity in the premises.

13. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

14. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: April 29, 2020

/s/ James C. Warmbrodt, Esquire

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